

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) PTB-1207-131 Confirmation No. 8048
	Application Number	Filed
	10/563,446	January 4, 2006
	First Named Inventor	
SHIMODA		
Art Unit	Examiner	
3657	Melody M. Burch	

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
 Note: No more than five (5) pages may be provided.

I am the

☐ Applicant/Inventor

☐ Assignee of record of the entire interest. See 37 C.F.R. § 3.71. Statement under 37 C.F.R. § 3.73(b) is enclosed. (Form PTO/SB/96)

☒ Attorney or agent of record

☐ Attorney or agent acting under 37CFR 1.34.
 Registration number if acting under 37 C.F.R. § 1.34 _____

_____/Paul T. Bowen/_____
Signature

Paul T. Bowen

Typed or printed name

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Requester's telephone number

July 5, 2011

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*

☒ *Total of 1 form/s are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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STATEMENT OF ARGUMENTS

Claims 1, 6 and 8-14 are pending. The Final Rejection of Feb 4, 2011 includes the following errors.

In the May 26, 2011 Advisory Action, the Examiner indicated that the Amendment filed on May 4, 2011 would be entered for purposes of appeal. Although not expressly stated in Advisory Action, the amendment to claim 1 avoided the rejection under 35 USC 112, second paragraph, as clear antecedent basis is provided for the first two, second two, third two and fourth two leaf springs. Specifically, this amendment was suggested by the Examiner to overcome one of the rejections (112, second).

Claims 1, 6 and 8-14 were rejected under 35 U.S.C. §112, first paragraph. This rejection is respectfully traversed.

The Examiner states that the claimed phrase “said weight being held ... immovably in the vertical direction perpendicular to the plane only by said plurality of springs” is not supported in the original disclosure. Specifically, the Examiner takes the position that the weight 2 is held in the vertical direction V by not only the springs 4, 5, 6, 7, but also wall portions 21, 22, 23 and 24 as shown in Figures 2 and 5. However, the springs 4, 5, 6, 7 support the weight 2, and the walls 21, 22, 23 and 24 (which form the frame body 3) support the springs, such that the claims are supported in the specification. The walls, moreover, do not directly support the weight.

During the interview, the Examiner explained that Figure 2 appears to show the wall portion 23 being “above” the weight, and therefore interpreted the wall portion 23 as having a “roof” or “cover” portion. However, as is clear from Figure 1, of which Figure 2 is a cross section, the wall portion 23 is clearly spaced from the weight 2 by springs 6. Specifically, while the wall portion 23 is visible in Figure 2, the wall portion 23 is still spaced from the weight 2 as shown in Figure 1. Stated differently, Figure 2, being a cross section of Figure 1, shows the wall portion 23 in the background, there being no part of wall 23 that serves to directly support the weight. The only elements that support the weight are the springs 4, 5, 6, 7, as effectively claimed.

Moreover, it is clear that no portion of wall portion 23 in Figure 2 is shown with cross hatching; this being a strong indication that wall portion 23 has no part that lies in a plane above the weight in a way that would preclude its vertical movement. By contrast, the wall portions 21

and 22 in Figure 2 include cross hatching that indicates a regular rectangular thickness, with no cover portions, etc. The use of double lines in Figure 1 represents the thickness of the walls 21, 22, 23 and 24, there being no indication that there is any cover or lid aspect of the walls that would directly support or contact the weight 2.

The specification, e.g., page 11, lines 14-16, specifies that "... the weight 2 is held by the leaf springs 4, 5, 6 and 7 movably in all directions in the horizontal plane and immovably in the vertical direction V, respectively". The Examiner stresses in the Advisory Action that the term "ONLY" is missing from this quotation. However, because the Examiner cannot point to any text or drawing which shows that, in addition to the springs, the walls (or any other structures for that matter) somehow support the weight, the Examiner's position must fail. The Examiner's rejection is simply based on a misinterpretation of the drawings, in which the Examiner incorrectly read the wall 23 as being positioned above (and somehow in contact with) the weight, when in fact the wall 23 is clearly behind the weight 2 in the cross section of Figure 2, as evident from Figure 1. There is nothing to suggest that the wall is anything but planar in Figures 1 and 2, which results in a structure in which only the springs support the weight.

Furthermore, as explained to the Examiner during a telephone interview conducted on May 4, 2011, the shape of the springs as shown in the drawings, particularly in relation to Figure 4, is such that the spring may flex about the U-shaped portion 41 in the horizontal plane, and at the same time the springs guard against movement in the vertical plane. See also page 12, lines 6-7 ("... the leaf springs 4, 5, 6 and 7 are practically not deflected in the vertical direction V.") This can be easily demonstrated by bending a piece of paper as shown in Figure 4 and standing it upright (on its edge) on a tabletop surface: the paper will allow flexing about the U-shaped portion (parallel to the tabletop surface; analogous to allowing movement of the weight in the X1 and Y1 directions per Figure 1) but will resist/prevent movement if a force is applied along a direction perpendicular to the tabletop. Likewise, the bent shape of the springs will not allow practical movement of the weight and as such the springs provide the only structure that supports the weight (analogous to the springs practically preventing movement in the V direction as shown in Figure 2). The above quotation (underlined above), not addressed in the Advisory Action, demonstrates that as a result of the shape of the springs, they will not deflect (practically) and thus no other structure is necessary to support the weight. Thus, the only structure that is shown and described as supporting the weight is the springs. Note that damping mechanism and

its associated structure, e.g., 51, 52, 54, etc., provide damping in the horizontal plane (per page 10, last line to page 11, line 9) and thus these damping elements also do not support the weight in the vertical plane V.

Based on the above explanation, therefore, Applicants respectfully submit that the rejection under 112, first paragraph is untenable given that the original specification provides clear support for what is claimed.

The Pre-Appeal Panel is thus respectfully requested to reverse the Examiner's clearly inappropriate rejection and pass the application to allowance.